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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/598,091	08/17/2006	Richard Alan O'Hara	PHUS040128US2	9983

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
595 MINER ROAD
CLEVELAND, OH 44143

EXAMINER

GEDEON, BRIAN T

ART UNIT	PAPER NUMBER
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3766

MAIL DATE	DELIVERY MODE
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02/05/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/598,091

Applicant(s)

O'HARA, RICHARD ALAN

Examiner

Brian T. Gedeon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 August 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 August 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 8/17/2006.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The abstract of the disclosure does not commence on a separate sheet in accordance with 37 CFR 1.52(b)(4). A new abstract of the disclosure is required and must be presented on a separate sheet, apart from any other text.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-5 and 7-14 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Rockwell et al. (US Patent no. 6,405,083).

In regard to claims 1-5, 9, and 12-14, Rockwell et al. disclose a defibrillator with wireless communication and voice prompts. The defibrillator 10 is configured as an automatic external defibrillator or as a semi-automatic external defibrillator, col 6 lines

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56-58 and col 7 lines 42-43. The defibrillator includes a pair of electrodes 16, a shock button 24, a battery, col 7 lines 29-31, a controller 206, a speaker 232, and telemetry transceivers 302 and 304. The speaker 232 operates to provide audible voice prompts to a user, col 12 lines 41-42. Examples of voice prompts include prompting the user to apply the electrodes to the patient, or to deliver resuscitation therapy, col 7 lines 24-43. Telemetry transceivers 302 and 304 serve for wireless information transfer communicate through standardized wireless communication protocols, col 5 lines 10-21. Rockwell et al. is also configured with a training system 278 via wireless communication to assist in training users to operate the defibrillator 10 in various scenarios, col 13 line 47 - col 14 line 10. The training system is intended to provide realistic training scenarios, col 13 lines 61-65. The Examiner considers that a realistic training scenario would include the example voice prompts as described in col 7 lines 24-43. Secondly, since Rockwell et al. describe that the training system is done via wireless communication, the Examiner considers that the voice prompts to aid in training a user would necessarily be delivered via the wireless communication. Therefore it would not be beyond one of ordinary skill in the art to anticipate, or to find obvious, to use the wireless communication mode of the training in a real life situation.

In regard to claims 7, 8, and 10, Rockwell et al. wirelessly transfer information to a portable device such as palm top computer, col 9 lines 31-35. A palm top computer is considered to be a PDA.

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5. Claims 6 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rockwell et al. (US Patent no. 6,405,083) in view of Moore et al. (US Patent no. 7,231,258).

In regard to claims 6 and 15, Rockwell et al. substantially describe the invention as claimed; and describe the defibrillator 10 may wireless communication through any of the standardized wireless communication protocols, col 5 lines 10-21. However, Rockwell et al. do not specifically describe the types of protocols used. Moore et al., in a similar field of endeavor, describe wireless communication of medical data, in which a defibrillator 12A has wireless communication capabilities, and may establish a communication session using a Bluetooth or IEEE 802.11 protocol, col 6 lines 6-19. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made that a standardized wireless communication protocol would include Bluetooth or IEEE 802.11 since Moore et al. teach that these protocols are wireless communication standards.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian T. Gedeon whose telephone number is (571) 272-3447. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl H. Layno can be reached on (571) 272-4949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/B. T. G./
Examiner, Art Unit 3766

Carl H. Layno
Examiner
Art Unit 3766


CARL LAYNO
PRIMARY EXAMINER